



General Assembly

Substitute Bill No. 6741

January Session, 2015



AN ACT CONCERNING CADMIUM IN CHILDREN'S JEWELRY.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2015, and applicable to violations*
2 *occurring on or after said date*) (a) As used in this section:

3 (1) "Cadmium" means elemental cadmium and any compounds or
4 alloys which contain cadmium;

5 (2) "Children's jewelry" means any jewelry, including charms,
6 bracelets, pendants, necklaces, earrings or rings, and any component
7 thereof, that is designed or intended to be worn by children twelve
8 years of age or younger; and

9 (3) "Commissioner" means the Commissioner of Consumer
10 Protection.

11 (b) Each person who manufactures children's jewelry for sale or
12 distribution in this state and each person who distributes children's
13 jewelry in this state shall register with the Department of Consumer
14 Protection on a form prescribed by the commissioner and pay a
15 reasonable registration fee, as determined by the commissioner, but
16 not to exceed ____ dollars, to offset the costs of administering the
17 provisions of this section. The commissioner shall develop a testing
18 compliance form to be completed by all registered manufacturers and
19 distributors.

20 (c) No person shall manufacture for sale in this state or distribute in
21 this state any children's jewelry that contains cadmium at more than
22 the amounts specified in subsection (d) or (e) of this section.

23 (d) The commissioner shall require manufacturers and distributors
24 to certify in writing on a compliance form developed by the
25 commissioner that all children's jewelry manufactured for distribution
26 in this state or for sale in this state has been tested for cadmium using a
27 total content test. The passing standard for such total content test shall
28 be not more than .01 per cent by weight. Total content test methods
29 shall be applied separately to each component part of such jewelry and
30 may include, but shall not be limited to, x-ray fluorescence
31 spectrometry analysis or total digestion testing, as specified by the
32 latest ASTM International standards. The commissioner shall not
33 require leaching or extraction (solubility) testing for children's jewelry
34 that has not met the total content test passing standard.

35 (e) In addition to the total content test required pursuant to
36 subsection (d) of this section, the commissioner, in the commissioner's
37 discretion, may require written verification from manufacturers and
38 distributors of a surface coating test for cadmium in children's jewelry
39 that contains paint or any other surface coating. The passing standard
40 for such surface coating test shall be not more than .0075 per cent by
41 weight.

42 (f) (1) (A) Except as provided in subparagraph (B) of this
43 subdivision, any person who violates subsection (c) of this section shall
44 be guilty of a class B misdemeanor.

45 (B) For any offense committed with intent to defraud or mislead, or
46 for any second or subsequent offense, any person who violates
47 subsection (c) of this section shall be guilty of a class A misdemeanor,
48 except that such person may be fined not more than five thousand
49 dollars.

50 (2) No person shall be subject to the penalties set forth in

51 subdivision (1) of this subsection if such person received, delivered or
 52 proffered delivery of the children's jewelry in good faith. Such person
 53 shall furnish, on request of an officer or employee duly designated by
 54 the commissioner, the name and address of the individual or entity
 55 from whom such person purchased or received such children's
 56 jewelry, and shall also furnish copies of all documents in the
 57 possession of such person, if any, pertaining to the delivery of the
 58 children's jewelry to such person.

59 (g) A violation of subsection (c) of this section shall be an unfair or
 60 deceptive act or practice in the conduct of trade or commerce pursuant
 61 to subsection (a) of section 42-110b of the general statutes.

62 (h) Any person required by an order of the commissioner to pay a
 63 fine, cease and desist from using any method, act or practice declared
 64 unlawful pursuant to section 42-110b of the general statutes or to make
 65 restitution may appeal therefrom in accordance with the provisions of
 66 section 4-183 of the general statutes. Any appeal brought under this
 67 subsection shall be privileged with respect to assignment for trial.

68 (i) The commissioner, after consultation with the Commissioner of
 69 Public Health, shall develop and provide information to the public on
 70 the Department of Consumer Protection's Internet web site regarding
 71 safety issues related to cadmium in children's jewelry and
 72 recommended precautions parents may take to reduce or eliminate
 73 such safety issues.

74 Sec. 2. Section 21a-12d of the general statutes is repealed. (*Effective*
 75 *October 1, 2015*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2015, and applicable to violations occurring on or after said date</i>	New section

Sec. 2	October 1, 2015	Repealer section
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Statement of Legislative Commissioners:

For the purpose of accuracy and clarity "American Society of Testing Materials" in the third sentence of subsection (d) was changed to "ASTM International".

KID *Joint Favorable Subst. -LCO*